

# DEMOLITION APPLICATION PROCEDURE

THE COMMISSION FOR HISTORICAL AND  
ARCHITECTURAL PRESERVATION

(PROCEDURE ADOPTED 1988)

## DEMOLITION APPLICATION PROCEDURE

In accordance with the ordinance of the Commission for Historical and Architectural Preservation, Article 6 of the Baltimore City Code, the commission may adopt rules and regulations, as it may deem necessary for the proper transaction of its business, (Article 6, Section 2-4 a.) The following rules and regulations outline the procedure that is to be followed by applicants to the commission who wish to demolish structures within Baltimore City historic districts or structures designated to the Baltimore City Landmark List.

Historic districts in Baltimore City are areas “wherein there are located structures which have historical, cultural, educational and/or architectural value, the preservation of which is deemed to be for the educational, cultural, economic and general welfare of the inhabitants of Baltimore City.” (Preamble to ordinance). Since its creation in 1964, the commission has been vested with powers and duties related to the designation and design review of structures located within historic districts. Since 1967 the commission has also been responsible for the designation and design review of plans affecting buildings included in the Baltimore City Landmark List. As stated in Article 6, Section 3-2, the commission shall give the same priority in the exercise of its powers to these structures as to structures located in historic districts. Since the purpose of the commission’s ordinance is to protect significant properties in historic districts and included in the Baltimore City Landmark List, demolition of such buildings is generally inappropriate and should be avoided whenever possible. Unusual circumstances may require the consideration of demolition. The process below will offer direction in such cases.

### HEARING I

As stated in Article 6, Section 4-5, the commission may issue a Notice to Proceed for plans that are inappropriate, but “without substantial detriment to the public welfare and without substantial derogation from the intents and purposes of this ordinance, and denial of the application will result in substantial hardship to the applicant.” As the intents and purposes of this ordinance are to preserve the historical, cultural, educational and/or architectural value of designated buildings in districts or included in the Landmark List, the commission shall make a public determination in a regularly scheduled commission hearing as to whether or not a structure is contributing or non-contributing to the historic district in which it is located, or to the landmark, of which it is a part. This determination shall be made prior to the commission’s consideration of a completed demolition application and new plans for the site. Such a decision by the commission shall be based solely on its evaluation of the architectural and/or historical importance of the structure. This evaluation shall be made by applying the commission’s “Standards for Designation”, as follows:

An historic district should include historic sites, buildings, structures, or landscapes in their original setting which:

- (1) contribute to the heritage of the community.
- (2) represent one or more periods or styles of architecture, landscape architecture, building, or construction which has significant character, interest, or value as part of the development, heritage, or culture of the City of Baltimore.
- (3) contain a sufficient number of structures of related or similar characteristics to make a recognizable entity within logical geographical boundaries. Including, but not limited to parks or squares.
- (4) provide certain historic or scenic value significant to the area.

A Baltimore City Landmark, may be a site, structure, landscape, building (or portion thereof), place, work of art, or other object which:

- (1) dates from a particular period having a significant character, interest, or value, as part of the development, heritage, or culture of the City of Baltimore; or
- (2) is associated with the life of an outstanding historical person or persons; or
- (3) is the site of an historic event with a significant effect upon the cultural, political, economic, social, or historic heritage of the City of Baltimore; or
- (4) is significant of the architectural period in which it was built and has distinguishing characteristics of an architectural style, method of construction, or engineer, artists, or architect whose individual genius influenced his age; or
- (5) contributes information of historical, cultural, or social importance relating to the heritage of the community; or
- (6) has yielded, or may be likely to yield, archeological information important in history or prehistory.

The standards for consideration of structures within districts shall be those identified above and individual buildings within historic districts shall be evaluated by considering their contribution to the historical and architectural character and importance to the district as a whole. Contributing structures in districts may meet one or more of the standards for district designation cited above. The landmark criteria identified above shall be applied only to designated landmark buildings and shall not be applied to individual buildings designated as part of an historic district, unless such a building is also a designated landmark.

During or after this initial public hearing, the commission may decide that a structure in a historic district or a landmark structure may be demolished because it does not contribute to the historic district or the landmark. In that case, a Notice or Proceed shall be issued. If the commission determines that a structure contributes to an historic district or to a landmark, the following procedure is to be followed by the applicant and the commission.

## HEARING II

A completed application for a Notice to Proceed, including the following information, must be submitted to the commission at least one month prior to its regularly scheduled meeting. The information is required to assist the commission in its evaluation of the demolition application and determine whether or not denial of a demolition permit would create “substantial detriment to the public welfare” and “substantial hardship to the applicant”. Substantial hardship occurs when a property cannot be put to reasonable beneficial use. The commission may also request additional information from the applicant that is relevant to its determination and may seek professional comments, regarding the applicant’s submittal. The commission may also make its own study of the points listed below, in order to obtain additional information for its decision.

The commission shall not schedule such an application for demolition for a public hearing, until it is determined that an application is complete. It is the responsibility of the applicant to prove that demolition is necessary to avoid “substantial hardship” and/or to avoid “substantial detriment to the public welfare”. The commission shall consider whether a structure can be put to reasonable beneficial use without the approval of demolition and, in the case of income producing properties, the commission shall also consider whether a reasonable return from the existing building can be attained.

INCLUDE IN APPLICATION  
(Where Applicable)

The commission reserves the right to present the following information to consultants, as needed:

- (1) Form of ownership of the property.
- (2) Cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with recommendations of the commission for changes necessary for the issuance of a Notice to Proceed.
- (3) A report from a licensed engineer in the State of Maryland as to the structural soundness of the structure and its adaptability for rehabilitation. Any dangerous conditions should be identified.
- (4) Fair market value of the property to be presented through an appraisal by a qualified professional expert. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
- (5) An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (6) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any items of financing between the seller and buyer. (Include Settlement Sheet), remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two years.
- (7) If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (8) Price asked and offers received, if any, within the previous two years. Most recent assessed value of the property and real estate taxes.
- (9) The commission may request other information specific to the project.

Should the applicant for demolition of a contributing structure satisfy the commission that he will suffer substantial hardship if a demolition permit is not recommended and the demolition of the structure in question is without substantial detriment to the public welfare, a Notice to Proceed shall be issued. If the applicant fails to demonstrate substantial hardship, the commission shall deny the application and set forth its reasons for doing so in writing.

HEARING III

In cases involving proposed new construction, new design shall not be considered until a determination has been made by the commission regarding hardship. Unless conditions that eminently threaten health or safety exists in the structure, a Notice to Proceed allowing demolition shall not be issued until replacement plans are approved by the commission and other reviewing agencies of Baltimore City. Financial proof of the ability to complete the replacement project, including but not limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution must be submitted. All plans for new construction will be evaluated for their compatibility with architectural style, general design, arrangement, texture, material and color of the exterior architectural features of other structures in the immediate neighborhood. Both conceptual and final plans shall be submitted.

## HARDSHIP AND DEMOLITION APPLICATIONS

The Commission is sensitive to the needs of property owners and considers that substantial hardship occurs when a property cannot be put to reasonable beneficial use. In the cases of demolition applications, the commission shall consider whether a structure can be put to reasonable beneficial use without the approval of demolition and, in the case of income producing properties, the commission shall also consider whether a reasonable return from the existing building can be attained. The following information is necessary to the commission's decision-making process.

### INCLUDE IN APPLICATION (Where Applicable)

The commission reserves the right to present the following information to consultants, as needed:

- (1) Form of ownership of the property.
- (2) Cost of the proposed demolition or removal  
and an estimate of any additional costs that would be incurred to comply with recommendations of the commission for changes necessary for the issuance of a Notice to Proceed.
- (3) A report from a licensed engineer in the State of Maryland as to the structural soundness of the structure and its adaptability for rehabilitation. Any dangerous conditions should be identified.
- (4) Fair market value of the property to be presented through an appraisal by a qualified professional expert. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
- (5) An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (6) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any items of financing between the seller and buyer. (Include Settlement Sheet). Remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two years.
- (7) If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (8) Priced asked and offers received, if any, within the previous two years. Most recent assessed value of the property and real estate taxes.
- (9) The Commission may request other information specific to the project.

## 1988 BALTIMORE CITY COMMISSISON FOR HISTORICAL AND ARCHITECTURAL PRESERVATION